

REMARKS

Claims 1-48 were pending in the application. Claims 27-37 have been cancelled without prejudice, claims 1, 26, 38 and 48 have been amended and claims 38-48 have been withdrawn from further consideration. Therefore, claims 1-26 and 38-48 are currently pending.

No new matter has been added. Claim 1 has been amended to remove non-elected subject matter. Claim 26 has been amended to correct a typographical error. Claims 38 and 48 have been amended to provide proper dependencies.

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

Response to Restriction Requirement Under 35 U.S.C. §121

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

Group I: Claims 1-26, drawn to tetracycline compound an composition of formula (I), when X represents N, classified in class 546, subclass (various).

Group II: Claims 1-26, drawn to tetracycline compound and composition of formula (I), when X represents O, classified in class 549, subclass (various).

Group III: Claims 1-26, drawn to tetracycline compounds and compositions of formula (I), when X represents C, classified in class 552, subclass (various).

Group IV: Claims 1-26, drawn to tetracycline compounds and compositions of formula (I), when X represents S, classified in class 549, subclass (various).

Group V: Claims 27-35, drawn to tetracycline compounds and compositions of formula (II), when X represents S, classified in class 549, subclass (various).

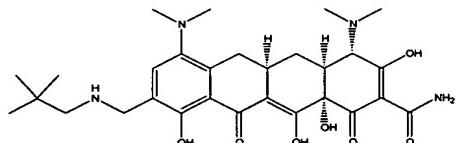
Group VI: Claims 36 and 37, drawn to tetracycline compounds and compositions of formula (III), when X represents S, classified in class 549, subclass (various).

Group VII: Claims 38-48, drawn to methods of use of the compounds as cited above.

Applicants hereby elect Group III (claims 1-26), drawn to tetracycline compounds and compositions of Formula (I), when X represents C, classified in class 552, subclass (various), without traverse.

Response to Species Election

The Examiner has required Applicants to elect, under 35 U.S.C. §121, a single disclosed compound species for prosecution on the merits. Applicants hereby elect:



Applicants respectfully submit that claims 1-7, 9, 10, 13-17 and 38-48 are readable on this species.

It is Applicants' understanding that the species election is for searching purposes only, and upon a finding of allowability of the elected species, the remaining species also will be searched.

Application No.: 10/786,881
Docket No.: PAZ-222CN

Examiner: S. N. Qazi
Art Unit: 1616

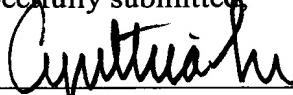
SUMMARY

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conference with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. PAZ-222CN from which the undersigned is authorized to draw.

Dated: November 10, 2006

Respectfully submitted,

By 

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